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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/021,943

12/12/2001

Brian Holtz

0007056-0223/P5924

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08/24/2006

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EXAMINER

ALI, MOHAMMAD

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/021,943	<b>Applicant(s)</b> HOLTZ ET AL.	
	<b>Examiner</b> Mohammad Ali	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,9,10,12-14,17,18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,10,12-14,17,18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is in response to the amendment filed on 6/5/06.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 4-6, 9, 10, 12-14, 17, 18, and 20-22 have been considered but are moot in view of the new ground(s) of rejection. 101 rejection have been withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 2, 4-6, 9, 10, 12-14, 17, 18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael Man-Hak Tso ('Man-Hak Tso' , hereinafter), USP, 5,706,509 in view of Multer et al. ('Multer' hereinafter), USP, 6,925,476.

With respect to claim 1,

Man-Hak Tso discloses a method for comparing file tree descriptions (see Fig. 2) comprising:

obtaining a first file structure (see col. 4, lines 55-62, Fig. 2);

obtaining a second file structure (see col. 4, lines 15-16, Fig. 2);

comparing said first file structure to said second file structure (see col. 8, lines 55-61, Figs. 4a-b);

generating a sequence of log of changes that transform said first file structure to said second file structure (see col. 12, lines 59-65, Fig. 4a); and

optimizing the sequence of log changes (see col. 7, lines 58-61) by detecting operation and a deletion operation associated with the same file and replacing the creation operation and the deletion operation with a reparent operation (see col. 12, lines 59-65, Fig. 4a).

Man-Hak Tso does not explicitly indicate claimed optimizing the sequence of log changes by detecting a creation operation and deletion operation.

Multer teaches optimizing the sequence of log changes by detecting a creation operation and deletion operation (the change log aggregation and optimization mechanism is implemented in the client device. The change log aggregation and optimization mechanism is inserted into the download-and-apply sequence where

change logs are fetched and interpreted to update application data. Instead of applying each change log as it is downloaded, it is merged into the "rolled" or aggregate log. The change log aggregation and optimization mechanism, see C 7, L 55-63, Fig. 1A, 2, Multer).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because optimizing the sequence of log changes by detecting a creation operation and deletion operation of Multer teaching would have allowed Man-Hak Tso' system to change log mechanism that will more efficiently utilize memory storage space and speed up the synchronization process as suggested by Multer at C 2, L 51-53.

As to claim 2,

Man-Hak Tso teaches wherein said comparing further comprises: recursively walking said first file structure (see col. 4, lines 55-62, Fig. 2).

As to claim 4,

Man-Hak Tso teaches wherein said first file structure is a file tree index (see Fig. 2).

As to claim 5,

Man-Hak Tso teaches wherein said second file structure is a file tree index (see Fig. 2).

As to claim 6,

Man-Hak Tso teaches wherein said comparing further comprises: comparing one or more folders of said first file structure along with its children with a corresponding folder along with its children in said second file structure (see col. 4, lines 30-32, Fig. 2).

Claims 9-10 and 12-14 have same subject as of claims 1-2 and 4-6 except configuration as described above and Man-Hak Tso teaches at see col. 6, lines 53-55 and essentially rejected for the same reasons as described above.

Claims 17-18 and 20-22 have subject matter as of claims 1-2, 4-6, 9-10, and 12-14 except "a computer readable medium storing computer-executable instructions for performing method" and Man-Hak Tso teaches at (see col. 7, lines 23-25, Fig. 4a and essentially rejected for the same reasons as described above.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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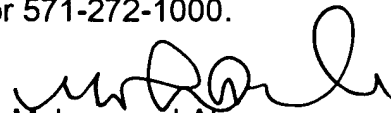
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mohammad Ali  
Primary Examiner  
Art Unit 2166

MA  
August 18, 2006